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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,723	09/29/2003	Timothy B. Pearson	13952 (6365/88821)	1919

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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,723

Applicant(s)

PEARSON ET AL.

Examiner

Jimmy T. Nguyen

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 10, 2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the amended claims 1 and 6, last three lines, the original specification does not provide support for the amended limitation “ when the strapping machine transitions from the rewind mode to the feed mode, the winder arm configured to remain in continuous contact with the winder peripheral strap path as the winder rotates (emphasis added)”. The original specification does not support the recitation “continuous contact”, this is new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Annis, Jr. (hereinafter “Annis”) (US 4,605,456).

All claims are rejected for substantially the same reasons as set forth on the last Office action. The rejections are herein repeated.

Regarding claims 1 and 6, Annis discloses a strapping machine (fig. 1) comprising: a frame (fig. 1); a strap material supply (24); a strapping head (33), a strap path being defined from the strap material supply to the strapping head (see phantom line in figure 1), the strapping head including a feed element (36, 38) for conveying the strap material during the feed mode in a first direction around the load (fig. 2) and for conveying the strap material in a second, opposite direction to tension the strap material around the load (fig. 5), the strapping head including a rotating winder (80) for tensioning the material around the load, the winder having a peripheral strap path (84) and a central strap path (82), the strap material moving through the central strap path when the strap material is conveyed in the first and second directions (figs. 4 and 5) and wrapping around the peripheral strap path after the strap material has moved in the second direction (fig. 6) and when in the tensioning mode, the strapping head further including a winder arm (104, 106) configured to cooperate with the winder (fig. 5), the winder arm biased to rest against the winder to direct strap material to a predetermined region (a region between elements

Art Unit: 3725

(104) and (118)) of the strapping machine when the strapping machine transitions from the rewind mode to the feed mode. Annis discloses the winder arm (106) biased against the winder peripheral strap path of the winder (80) by the spring (110) as the winder rotates; and thus, the winder arm configured to remain in continuous contact with the winder peripheral strap path as the winder rotates (i.e. rotates from a point where the element (104) contacts the strap path (see fig. 6) back to the central strap section (82)). Annis also discloses tensioning the strap material and sealing the strap material to itself around the load (col. 4, lines 36-38).

Regarding claims 2, 4, and 8, Annis discloses a roller (104) mounted to an end of the winder arm for resting against the winder (see figs. 5 and 6).

Regarding claims 3, 5, 7, and 9, Annis discloses the winder arm is mounted to the strapping machine frame about a pivot (fig. 5), and wherein the winder arm is biased by a coil spring (110) operably connected to the winder arm intermediate the pivot and a free end of the winder arm (fig. 5).

Response to Arguments

Applicant argues that, in Annis, the winder arm rides along the edge of the winder and cannot remain in contact with the strap path as evidenced in fig. 6, which shows the arm rides on a raised edge of the winder and the strap resides in a pathway that is lower than the edge of the winder. With respect to Applicant's assertion, this argument has been fully considered but it is not persuasive because figure 6 shows the arm (104, 106) rides on a pathway of the strap, not on a raised edge of the winder. In this figure, the raised edge of the winder is broken off to show the

Art Unit: 3725

arm (104) rides on the strap pathway (84) behind the raised edge, and the arm remains in contact (i.e. by the biasing force of the spring (110)) with the strap pathway as the winder rotates.

Figure 2 shows the pathway (84) connects with the pathway (102) to form one pathway. Col. 9, lines 34-36 disclose the strap (22) is contacted by the pathway (84) to form a strap path, and col. 7, lines 14-20 discloses the winder arm (104) is received in the pathway (102). Therefore, as the winder rotates, the winder arm rides from the pathway (102) into the pathway (84) and remains in contact with the pathways by the biasing force of the spring (110). Accordingly, the winder arm remains in contact with the strap path and it is not ride on a raised edge of the winder.

Conclusion

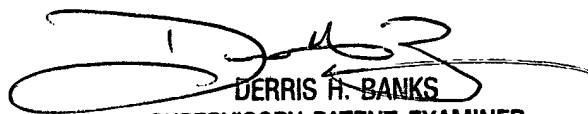
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
January 06, 2006



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SUPERVISORY PATENT EXAMINER
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